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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,250	08/23/2005	Per Herbert Kristensen	P17993USPC	1874
29078 7590 07/21/2010 CHRISTIAN D. ABEL ONSAGERS AS POSTBOKS 6963 ST. OLAVS PLASS OSLO, N-0130 NORWAY				
EXAMINER PRICE, CRAIG JAMES				
ART UNIT 3753		PAPER NUMBER		
NOTIFICATION DATE 07/21/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/538,250

Applicant(s)

KRISTENSEN ET AL.

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☒ Claim(s) 26-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Applicant's amendments overcome the previous claim objections.

Specification

Applicant's amendment overcomes the specification objection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lochte et al. (4,121,616).

Lochte et al. disclose a system for transferring a fluid between a first structure and a second structure which are movable relative to each other, comprising,

a crane pedestal (12) adapted for mounting on the first structure,

an offloading arm (14) in the form of a single-boom crane boom rotatable about the crane pedestal in the horizontal plane and further moveable in the vertical plane,

a connector trolley (36) attached to the crane boom, the connector trolley being movable along the length of the crane boom, the connector trolley comprising a connection member (23) having a universal joint (62) adapted for fastening of the connector trolley to a receiving terminal (78) on a second structure (18),

a fluid-conveying pipe (20a) extending from the first structure along the crane

boom and connected to the connector trolley, the fluid conveying pipe having an arrangement (32a,32b, Col. 4, Lns. 38-42) for compensating for the longitudinal movement of the connector trolley.

Regarding claim 19, Lochte et al. disclose that the fluid comprises a liquid (petroleum, see abstract).

Regarding claim 20, Lochte et al. disclose that at least one of the structures is a ship (18).

Regarding claim 21, Lochte et al. disclose that the fluid is LNG (see MPEP 2115). "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 996, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)).

Regarding claim 22, Lochte et al. disclose a crane column attached to a crane pedestal by a slewing mechanism that provides rotating of the crane column relative to the crane pedestal in vertical axis relative to the platform, as shown in Figure 1, 10 sits on a table relative to pedestal 12, which is inherently considered as a rotating table. Lochte et al. further provides a hinge between 23 and 22 as shown in Figure 1.

Lochte et al. shows a wire in figure 1 attached to the boom between numerals 45 and 20, inherently this system is considered as having a winch to raise and lower the crane boom.

Regarding claims 23 and 24, Lochte et al. disclose that the connection member of the trolley comprises hinge joints (76a,76b) connected to a pin or cone (the distal end of 62 near 77, see Figure 2). The pin/cone is adapted to mate with a landing skirt (78) of a rotating table of the receiving terminal of the second structure, based on the configuration shown in Figure 1, the structure is capable of the connection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 22 is rejected under 35 U.S.C. 103(a), in an alternative reading of the claim, as being unpatentable over Lochte et al. '616 in view of Eagles (4,315,533).

Lochte et al. disclose a crane column attached to a crane pedestal, as shown in Figure 1.

Lochte et al. is silent to providing a slewing mechanism that provides rotating of the crane column relative to the crane pedestal in vertical axis relative to the platform, and wherein the crane boom is rotatable connected at essentially one end to the crane column by a hinged arrangement and wherein a winch and wire assembly operate to raise and lower the crane boom.

Eagles discloses a crane column (A) attached to the crane pedestal by slewing mechanism (Col. 4, Lns. 34-41) that provides rotating of the crane column relative to the crane pedestal in vertical axis relative to the platform, and wherein the crane boom is rotatable connected at essentially one end to the crane column by a hinged arrangement (V) and wherein a winch and wire assembly (shown in Figure 1, next to reference number Z) operate to raise and lower the crane boom.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a slewing mechanism that provides rotating of the crane column relative to the crane pedestal in vertical axis relative to the platform, and wherein the crane boom is rotatable connected at essentially one end to the crane column by a hinged arrangement and wherein a winch and wire assembly operate to raise and lower the crane boom as taught by Eagles onto the device of Lochte et al. in order to position the boom in relation to the ship.

Allowable Subject Matter

Claims 26-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 18-24 and 26-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to the above rejection are not persuasive as the Lochte et al. reference provides a single boom structure having a connector trolley 36, not previously shown in the prior reference to Eagles.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 8AM - 4:30PM Mon-Fri, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP
/C. P./
Examiner, Art Unit 3753

13 July 2010

/John Rivell/
Primary Examiner, Art Unit 3753